

**PROPOSED REGULATION: NAVIGATORS**  
**Posted Friday, April 5, 2013 – 30-Day Comment Period**

**Generally**

Navigators must comply with all state and Exchange requirements. State and Exchange requirements are preempted only if they prevent the application of a federal rule.

Navigators cannot make the decision for an applicant as to which QHP to select.

Navigators cannot be a health insurance issuer, or subsidiary, or receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment into a QHP or non-QHP.

Navigators cannot be an association or lobbyist for a health insurance issuer or a stop loss carrier.

Navigators provide fair, impartial, and accurate information that assists consumers with: 1) submitting the eligibility application; 2) clarifying the distinctions among QHPs; and 3) helping qualified individuals make informed decisions during the health plan selection process.

State and Exchange assisters are now known as Non-Navigators. This category does not include application counselors.

**Funding**

The federal government will approve and provide grant funds for Navigators in FFE and Partnership states. Funding amounts will be outlined in the Funding Opportunity Announcement.

State-based Exchanges and Partnership states that are responsible for consumer assistance may use Exchange Establishment Grant funds for Non-Navigator assistance programs.

State-based Exchanges may use Exchange Establishment Grant funds to pay Navigators in the first year.

**Duties of Navigators**

- Maintain expertise in eligibility, enrollment, and program specifications
- Conduct public education activities to raise awareness about the Exchanges
- Provide information and services in a fair, accurate, and impartial manner, including information about other health insurance options, such as Medicaid and CHIP
- Facilitate selection of a QHP
- Provide referrals for consumers with questions, complaints or grievances
- Ensure accessibility and usability of Navigator tools and functions for persons with disabilities

**Application Assisters**

Each Exchange must certify staff and volunteers of Exchange-designated organizations and organizations designated by State Medicaid and CHIP agencies to serve as certified applications counselors in the Exchange. *This is still under consideration in a separate proposed regulation.*

**Standards**

The following standards apply to Navigators and Non-Navigators in FFE and Partnership states and to Non-Navigators in SBE states IF federal grant funds are used to fund them. They do not apply to application counselors at this point.

- Conflict of Interest: “Having a private or personal interest sufficient to influence, or appear to influence, the objective exercise of duties.”

The entities must: 1) provide written attestation that they and staff do not have any prohibited conflicts of interest; 2) provide a written plan to remain free of conflicts of interest; 3) provide information to consumers full range of QHP options; 4) disclose any lines of insurance business, other than health or stop loss, which the entity intends to sell; 5) disclose any existing or former employment relationships they have had within the last five years with a health issuers; and, 6) disclose any existing or anticipated financial, business or contractual relationships with health issuers. *Comments on these standards requested.*

- Training: Must complete training before certification and must register with the Exchange. Must also complete continuing training for recertification.

Must complete training necessary to serve both individual and SHOP exchanges.

Training modules will be developed by CCIIO. They must also comply with any state training requirements.

Training to include: 1) privacy and information security; 2) meeting linguistic and cultural need (staff must reflect demographics); 3) meeting disability and specialty needs (must provide necessary aids for disabled to access tools and information); and, 4) information needed to perform duties.